

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

KEVIN S. TONEY, )  
                        )  
Plaintiff,           )  
                        )      Case No. 1:14-CV-162  
v.                    )  
                        )      Judge Curtis L. Collier  
HAMILTON COUNTY, TENNESSEE and       )  
HAMILTON COUNTY CLERK'S OFFICE       )  
                        )  
Defendants.           )

**JUDGMENT ORDER**

On May 27, 2014, *pro se* Plaintiff Kevin Toney (“Plaintiff”) filed a complaint (Court File No. 1) against Defendants Hamilton County, Tennessee and the Hamilton County Clerk’s Office (“Defendants”) as well as a motion to proceed *in forma pauperis* (“IFP”) (Court File No. 2). On June 5, 2014, Magistrate Judge William B. Mitchell Carter filed a report and recommendation (“R&R”) concluding that the Court lacks subject matter jurisdiction over this action and the case should be dismissed (Court File No. 3). Plaintiff asserts that Hamilton County was negligent in failing to update its computer system, which resulted in him being stopped for an out-of-date license tag. Because there is no diversity of citizenship, the Magistrate Judge recommends the Court dismiss Plaintiff’s case under 28 U.S.C. § 1915(e)(2). Plaintiff did not object to the R&R.

The Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s report and recommendation (Court File No. 3) pursuant to 28 U.S.C. § 636(b)(1), **DENIES** Plaintiff’s IFP motion (Court File No. 2), and **DIRECTS** the Clerk of Court to **CLOSE** the case.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER  
UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT

s/ Debra C. Poplin  
CLERK OF COURT